

1 **SECTION 133.** 30.18 (4) (a) of the statutes is amended to read:

2 30.18 (4) (a) Upon receipt of a complete application for a permit under this
3 section, the department shall follow the notice and hearing procedures under s. 30.02
4 ~~(3) and (4)~~ 30.245.

5 ~~(am)~~ In addition to the notice requirements under s. 30.02 ~~(3) and (4)~~ 30.245,
6 the department shall mail a copy of the notice to ~~every person upon whose land any~~
7 ~~part of the canal or any other structure will be located, to the~~ all of the following:

8 3. The clerk of the next town municipality that is the next municipality
9 downstream, to the,

10 4. The clerk of any village or city each municipality in which the lake or stream
11 from which water is proposed to be diverted is located and which is adjacent to any
12 municipality in which the diversion will take place ~~and to each,~~

13 5. Each person specified in s. 281.35 (5) (b) or (6) (f), if applicable.

14 **SECTION 134.** 30.18 (4) (am) 1. and 2. of the statutes are created to read:

15 30.18 (4) (am) 1. Each owner of land over which water is proposed to be
16 diverted.

17 2. Each local governmental unit under s. 30.04 (2).

18 **SECTION 135.** 30.18 (4) (b) of the statutes is amended to read:

19 30.18 (4) (b) If a hearing on the application for a permit under this section is
20 conducted as a part of a hearing under s. 293.43, the notice and hearing provisions
21 in that section supersede the notice and hearing provisions of ~~par. (a)~~ s. 30.245.

22 **SECTION 136.** 30.18 (5) (title) of the statutes is repealed and recreated to read:

23 30.18 (5) (title) ~~GRANTING~~ ^{ISSUANCE} OF PERMITS.

24 **SECTION 137.** 30.18 (5) (a) (intro.) of the statutes is amended to read:

1 30.18 (5) (a) *Streams*. (intro.) The department shall approve an application
2 for a permit required under sub. (2) (a) to divert water from ~~streams~~ a stream if the
3 department determines ~~both~~ that all of the following apply:

4 **SECTION 138.** 30.18 (5) (a) 1. of the statutes is amended to read:

5 30.18 (5) (a) 1. ~~That the~~ The proposed diversion will not injure any public rights
6 in navigable waters be detrimental to the public interest.

 ****NOTE: Isn't this a substantive change? Doesn't this mean any public interest,
not just the public's interest in navigable waters?

7 **SECTION 139.** 30.18 (5) (a) 1m. of the statutes is created to read:

8 30.18 (5) (a) 1m. The proposed diversion is for use on riparian land.

 ****NOTE: Again, isn't this a substantive change?

9 **SECTION 140.** 30.18 (5) (a) 2. of the statutes is amended to read:

10 30.18 (5) (a) 2. ~~That the~~ Either the water to be diverted is ~~surplus water, or if~~
11 ~~it is not surplus water, that all riparians~~ not being beneficially used for all riparian
12 owners who may be adversely affected by the diversion have consented to the
13 proposed diversion.

approval specified

14 **SECTION 141.** 30.18 (5) (a) 3. of the statutes is created to read:

15 30.18 (5) (a) 3. The grounds for ~~granting a permit~~ under s. 281.35 (5) (d) are met
16 if the diversion is a large diversion.

17 **SECTION 142.** 30.18 (5) (b) of the statutes is amended to read:

18 30.18 (5) (b) ~~*Streams or lakes*~~ Lakes. The department shall approve an
19 application for a permit required under sub. (2) (b) to divert water from a lake if the
20 grounds for approval specified under s. 281.35 (5) (d) are met ~~and, if the permit is also~~
21 ~~required under sub. (2) (a), if the department makes the determinations specified~~
22 ~~under par. (a).~~

23 **SECTION 143.** 30.18 (6) (title) of the statutes is amended to read:

1 30.18 (6) (title) ~~PERMITS; USE OF WATER; PERMIT CONDITIONS; REPORTING; REVIEW.~~

2 SECTION 144. 30.18 (6) (a) of the statutes is amended to read:

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3 30.18 (6) (a) *Contents of permit.* The department shall specify on each permit
4 ~~issued~~ ^{granted} under this section the quantity of water that may be diverted and the
5 times during which water may be diverted. In addition, if the permit is one which
6 is required under sub. (2) ~~(b)~~ for a large diversion, the permit shall comply with s.
7 281.35 (6).

8 SECTION 145. 30.18 (6) (b) of the statutes is renumbered 30.18 (6) (dm) and
9 amended to read:

who is

PLAIN

10 30.18 (6) (dm) *Use of water.* A person ~~issued~~ ^{who is} ~~who is granted~~ a permit for the
11 purpose of irrigation or agriculture may use the water on any land contiguous to the
12 permittee's riparian land, but may not withdraw more water than ~~it did~~ the
13 permittee withdrew before August 1, 1957, ~~without applying to the department for~~
14 a modification of the permit unless the department approves the additional amount
15 to be withdrawn by modifying the permittee's permit.

16 SECTION 146. 30.18 (6) (c) of the statutes is renumbered 30.18 (6) (bm) and
17 amended to read:

18 30.18 (6) (bm) *Reporting required.* ~~The department shall require each~~
19 ~~permittee~~ ^{issued} A person who is granted a permit under this section ~~to report its~~ shall
20 report to the department the volume and rate of withdrawal and its volume and rate
21 of water loss, if any. The report shall be in the form and at the times specified by the
22 department.

23 SECTION 147. 30.18 (6) (cm) 3. [✓] of the statutes is created to read:

24 30.18 (6) (cm) 3. A permit ~~granted~~ ^{issued} under this section before August 1, 1957, is
25 exempt from the review requirements under subds. 1. and 2.

duplicate
1 SECTION 148. 30.18 (6) (cm) 3. of the statutes is created to read:

2 30.18 (6) (cm) 3. A permit granted under this section before August 1, 1957, is
3 exempt from the review requirements under subds. 1. and 2.

4 SECTION 149. 30.18 (6) (d) (title) of the statutes is renumbered 30.18 (6) (cm)
5 (title).

6 SECTION 150. 30.18 (6) (d) of the statutes is renumbered 30.18 (6) (cm) 1. and
7 amended to read:

8 30.18 (6) (cm) 1. ~~If the permit is one that is required under sub. (2) (a), but not~~
9 ~~under sub. (2) (b), and the permit was issued on or after August 1, 1957, Except as~~
10 ~~provided in subds. 2. and 3. the department shall review the permit at least once~~
11 ~~every 5 years.~~ *(strike) → under sub. (2)(b)*

12 2. If the permit is one that is required *for a large diversion*, the department
13 shall review the permit as required under s. 281.35 (6) (b).

14 SECTION 151. 30.18 (6m) (a) (intro.) of the statutes is amended to read:

15 30.18 (6m) ^{PLAIN} (a) *Streams; mandatory revocation.* (intro.) The department shall
16 revoke a permit issued ~~granted~~ under sub. (5) (a), which is not subject to sub. (2) (b),
17 if it a permit for a large diversion, if the department finds that any of the following
18 applies:

19 SECTION 152. 30.18 (6m) (a) 1. and 2. of the statutes are amended to read:

20 30.18 (6m) (a) 1. ~~That the~~ The water being diverted is no longer surplus water,
21 ~~except that the department may allow the diversion to continue if all riparians has~~
22 become water that is being beneficially used, unless all riparian owners adversely
23 affected by the diversion continue to consent to it.

24 2. If the diversion is from a stream designated by the department as a trout
25 stream, ~~that~~ the revocation is desirable for conservation purposes.

1 **PLAIN** SECTION 153. 30.18 (6m) (b) of the statutes is amended to read:

2 30.18 (6m) (b) Streams; discretionary revocation. The department may revoke
3 any permit ~~issued~~ granted under sub. (5) (a), which is not subject to sub. (2) (b), if it
4 a permit for a large diversion, if the department finds that the diversion is
5 detrimental to the stream from which the water is diverted.

6 SECTION 154. 30.18 (6m) (c) of the statutes is amended to read:

7 30.18 (6m) (c) Large diversion. The department may revoke a permit ~~issued~~ granted
8 ~~granted~~ under sub. (5) (b) this section for a large diversion only as provided under
9 s. 281.35 (6). **PLAIN**

10 SECTION 155. 30.18 (7) of the statutes is amended to read:

11 30.18 (7) PREREQUISITES TO PROJECT CONSTRUCTION. ~~After an application under~~
12 ~~this section has been filed with the department, the applicant may enter any land~~
13 ~~through which it is proposed to divert the water for the purposes of making any~~
14 ~~surveys required for drafting the plans for the project, but no work shall~~ Work may
15 not be commenced on the canal, headworks, or other structures necessary for the
16 project for which a permit has been granted under this section until the plans for the
17 same canal, headworks, or other structures have been approved by the department.
18 Any person having received who has been granted a permit required under sub. (2)
19 (a) (5) (a) for a diversion that is not a large diversion may construct upon the land
20 of another the canal, headworks, and other works structures authorized by the
21 permit ~~after the damage which will be sustained by the owner or owners of such land~~
22 ~~has been satisfied, or has been determined as provided for in ch. 32, and after the~~
23 ~~final sum so determined and all costs have been paid to the persons entitled thereto~~
24 ~~or to the clerk of the circuit court on their account.~~

****NOTE: Bob Nelson is looking at the stricken phrases at the end of s. 30.18 (7).
Those phrases will need redrafting.

✓
— INSERT

NOTE: Current s. 30.18 (7) allows the applicant to "enter any land through which it is proposed to divert water", after the permit application is filed, to conduct surveys. This provision is deleted, and replaced by a requirement in new s. 30.18 (3m) (a) for the applicant to obtain permission or authority to enter the land.

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1 **SECTION 156.** 30.18 (8) of the statutes is renumbered 30.353 and amended to
2 read:

3 **30.353 Department may raise water elevations.** If after examination and
4 investigation the department determines that it is necessary to raise water
5 elevations in any navigable ~~stream or lake~~ ^{body of water} for conservation purposes, the
6 department may, if funds are available from any source other than license fees,
7 determine and establish the elevations to which the water may be raised or
8 maintained, but the water elevation may not be established below the normal
9 elevation. If any lands are damaged by raising the water levels above normal and
10 the department cannot acquire the right to flow the lands by agreement with the
11 owner, the department may acquire the lands or the right to flow the lands by
12 condemnation under ch. 32.

****NOTE: If this stat. is not amended, remove the text from the bill.

****NOTE: Bob Nelson is looking at s. 30.18 (8) concerning the condemnation language.

13 **SECTION 157.** 30.18 (9) of the statutes is repealed.

14 **SECTION 158.** 30.19 (1) (intro.) of the statutes is renumbered 30.19 (1g) (intro.)
15 and amended to read:

16 **30.19 (1g) PERMITS REQUIRED.** (intro.) Unless a permit has been granted by the
17 ~~department or authorization~~ ^{issued under this section or} has been granted by the legislature, it is unlawful ~~to do~~
18 any of the following: ^{plain}

1 **SECTION 159.** 30.19 (1) (a) of the statutes is renumbered 30.19 (1g) (a) and
2 amended to read:

3 30.19 (1g) (a) ~~To construct~~ Construct, dredge, or enlarge any artificial
4 ~~waterway, canal, channel, ditch, lagoon, pond, lake or similar waterway where the~~
5 ~~purpose is ultimate connection with an existing navigable stream, lake or other~~
6 ~~navigable waters, or where~~ water body that connects with ^{an existing} ~~navigable waterway.~~

7 (am) Construct, dredge, or enlarge any part of the an artificial waterway ^{water} ~~that~~ ^{body}
8 is located within 500 feet of the ordinary high-water mark of an existing navigable
9 ~~stream, lake or other navigable waters~~ waterway.

10 **SECTION 160.** 30.19 (1) (b) of the statutes is renumbered 30.19 (1g) (b) and
11 amended to read:

12 30.19 (1g) (b) ~~To connect any natural or artificially constructed~~ Connect, by a
13 navigable surface channel, any navigable ~~waterway, canal, channel, ditch, lagoon,~~
14 ~~pond, lake or similar waterway or any artificial water body with~~ (an existing body of ^{PLAIN}
15 ~~a navigable water, for navigation or any other purpose~~ waterway.

16 **SECTION 161.** 30.19 (1) (c) of the statutes is renumbered 30.19 (1g) (c) and
17 amended to read:

18 30.19 (1g) (c) ~~To grade or otherwise~~ Grade or remove ~~top soil~~ topsoil from the
19 bank of any navigable ~~stream, lake or other body of navigable water~~ waterway where
20 the area exposed by ~~such~~ the grading or removal will exceed 10,000 square feet.

21 **SECTION 162.** 30.19 (1b) of the statutes is created to read:

22 30.19 (1b) DEFINITION. In the section, “artificial water body” means a proposed
23 or existing body of water that does not have a history of being a natural body of water
24 or part of a natural body of water.

***NOTE: Review ^{later draft as to use of} in light of use of “lake or stream” in original draft.

SECTION 163. 30.19 (1m) (intro.) of the statutes is amended to read:

30.19 (1m) EXCEPTION. EXCEPTIONS. (intro.) Subsection (1) ~~(1g)~~ does not apply to any of the following:

SECTION 164. 30.19 (1m) (a) of the statutes is amended to read:

30.19 (1m) (a) The construction ~~and or~~ repair of any public highways highway.

SECTION 165. 30.19 (1m) (b) of the statutes is amended to read:

30.19 (1m) (b) Any agricultural ~~uses~~ use of land. and not s. 30:19 (1) (a) m)
or (b)

SECTION 166. 30.19 (1m) (c) and (d) of the statutes are repealed.

SECTION 167. ~~30.19~~ (1m) (e) of the statutes is amended to read:

30.19 (1m) (e) Any work required to maintain the original dimensions of an enlargement of a waterway authorized an artificial water body done pursuant to a permit or legislative authorization under sub. (1) (a) or (b) (1g) (a).

****NOTE: Under s. 30.19 (1m) (e) enlargements are authorized only under s. 30.19 (1) (a) ~~What~~. Is the above what is intended?

SECTION 168. 30.19 (2) (intro.) and (a) to (d) of the statutes are repealed.

SECTION 169. 30.19 (2) (e) of the statutes is renumbered 30.19 (3b) (b) 3. and amended to read:

30.19 (3b) (b) 3. The name and address of the secretary of any property owners' association pertaining formed with respect to the bodies of water natural water bodies and artificial water bodies affected by the project or if there is no such association, the names and addresses of. If no property owners' association exists, the department shall provide notice to at least 5 persons who own real property located adjacent to the bodies of water natural water bodies and artificial water bodies. If fewer than 5 persons own real property located adjacent to the bodies of water, the names and addresses of such natural water bodies and artificial water

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1 bodies, the department shall provide notice to these persons that own real estate so
2 located shall be given.

****NOTE: Check terminology s. 30.19 (2) (e): shouldn't this be limited to navigable any
waters, whether or not they are artificial? body of water, navigable vs non-
navigable, artificial vs natural?

3 SECTION 170. 30.19 (2) (f) of the statutes is repealed.

4 SECTION 171. 30.19 (3) (title) of the statutes is repealed.

5 SECTION 172. 30.19 (3) (a) of the statutes is renumbered 30.19 (3b) (b) 4. and
6 amended to read:

7 30.19 (3b) (b) 4. ~~Section 30.02 (3) and (4) applies to permit applications under~~
8 ~~sub. (1) (b) and (c). Notice shall be provided to the clerks of the county and~~
9 ~~municipality in which the project or affected body of water is located and to the~~
10 ~~persons under sub. (2) (e). For The Milwaukee Metropolitan Sewerage District for~~
11 ~~any permit application which affects for a project that would affect the Milwaukee~~
12 ~~River, the Menomonee River, the Kinnickinnic River, the Root River, or any tributary~~
13 ~~of those rivers, special notice shall be given to the Milwaukee metropolitan sewerage~~
14 ~~district. The metropolitan sewerage district shall have 30 days to respond to the~~
15 ~~special notice.~~

16 SECTION 173. 30.19 (3) (b) of the statutes is repealed.

17 SECTION 174. 30.19 (3b) of the statutes is created to read:

18 30.19 (3b) NOTICE AND HEARING UPON APPLICATION. (a) Upon receipt of a complete
19 application for a permit under ^{sub. (1a) (b) or (c) ✓} ~~this section~~, the department shall follow the notice
20 and hearing procedures under s. 30.245.

21 (b) In addition to the notice requirements under s. 30.245, the department shall
22 provide notice to all of the following:

23 1. Each local governmental unit under s. 30.04 (2).

1 2. The clerk of each municipality in which the project or affected artificial water
2 body or navigable waterway is located.

^{Mark A}
 ****NOTE: Regarding the phrase "provide notice" here and elsewhere in the draft:
 Written? E-mail? Internet posting?

What type
of notice?

3 **SECTION 175.** 30.19 (4) of the statutes is renumbered 30.19 (4) (intro.) and
4 amended to read:

5 30.19 (4) ISSUANCE OF PERMIT. (intro.) ~~If the department finds that the project~~
6 ~~will not injure public rights or interest, including fish and game habitat, that the~~ The
7 ~~department shall grant a permit applied for under this section if the department~~
8 ~~determines that all of the following apply:~~
 ^{issue}

9 **(b)** The project will not cause environmental pollution as defined in s. 299.01
10 (4), that any.

11 **(c)** Any enlargement connected to a navigable waterways conforms to the
12 requirement of waterway complies with all of the laws for the relating to platting of
13 land and for sanitation and that no.

14 **(d)** No material injury will result to the rights of any riparian owners on any
15 body of water affected will result, the department shall issue a permit authorizing
16 the enlargement of the affected waterways of land that abuts a natural water body
17 or artificial water body that is affected by the project.

18 **SECTION 176.** 30.19 (4) (a) of the statutes is created to read:

19 30.19 (4) (a) The project will not be detrimental to the public interest.

20 **SECTION 177.** 30.19 (5) of the statutes is amended to read:

21 30.19 (5) ~~CONDITIONS OF PERMIT~~ PERMIT CONDITIONS. The A permit issued under
22 this section to construct an artificial water body and to connect it to a navigable
23 waterway shall provide that all require that the artificial waterways constructed

1 ~~under this section which are connected to navigable waterways shall be water body~~
2 ~~be a public waterways. The department may impose such further conditions in the~~
3 ~~permit as it finds reasonably necessary to protect public health, safety, welfare,~~
4 ~~rights and interest and to protect private rights and property waterway.~~

****NOTE: Section 30.19 needs to be checked regarding the following terminology:
"navigable waterway/ water body/ body of water".

****NOTE: This is the only place in this subchapter where "pubic waterway" will be
used. Should this term be changed?

NOTE: This provision continues the applicability of notice and hearing provisions
only to permit applications under sub. (2) (b) and (c). Under the current statute, the notice
and hearing is not required for dredging artificial water bodies for the purpose of
connection to a navigable waterway or where part of the artificial water body is within
500 feet of the ordinary high-water mark of the navigable waterway. In addition, an
exemption from the notice and hearing is provided for grading or removing topsoil from
the bank of navigable waters where the only effect is on water quality. This exemption
allows DNR to develop a "short form" permit for grading or removing topsoil from the
bank where advance notice is given to the department and the work conforms to rules of
the department that describe methods for such work.

NOTE: Current s. 30.19, which requires a permit for enlargement and protection
of waterways, contains an exception for navigable lakes and streams and any portion of
Lake Michigan within Milwaukee County. This exception is not included in this bill so
that s. 30.19 will apply uniformly to all navigable waters. However, current s. 30.05
(renumbered s. 30.223) continues to apply where lake bed grants have been made.

5 SECTION 178. 30.195 (1) of the statutes is amended to read:

6 30.195 (1) PERMIT REQUIRED. ~~No Unless a permit has been granted by the~~
7 ~~department under this section or unless a statute expressly authorizes the activity.~~

8 ~~no person may change the course of or straighten a navigable stream without a~~
9 ~~permit issued under this section or without otherwise being expressly authorized by~~
10 ~~statute to do so.~~

****NOTE: I don't like this language: "issued by DNR under section"; DNR is
redundant. Plus what about the legislature?

11 SECTION 179. 30.195 (2) of the statutes is repealed and recreated to read:

12 30.195 (2) PERMIT APPLICATION. Upon receipt of a complete application for a
13 permit under this section, the department shall follow the notice and hearing

1 procedures under s. 30.245 if the activity involves the relocation of more than a total
2 of 500 feet in stream length.

***NOTE: ~~And~~ what if it is less than 500 feet in length? *Additional language is needed.*

3 **SECTION 180.** 30.195 (3) of the statutes is renumbered 30.195 (3) (intro.) and
4 amended to read:

5 30.195 (3) ~~GRANTING~~ ^{ISSUANCE} OF PERMIT. (intro.) Upon application therefor, the ~~The~~
6 department shall ~~grant~~ ^{issue} a permit to the applied for under this section if the
7 department determines that all of the following apply:

8 (a) The applicant is the owner of any the land to change the course of or
9 straighten a upon which the change in course or straightening of the navigable
10 stream on such land, if such will occur.

11 (b) The proposed change of course or straightening of the navigable stream will
12 improve the economic or aesthetic value of the owner's ^{value} applicant's land and will.

13 (c) The proposed change of course or straightening of the navigable stream will
14 not adversely affect the flood flow capacity of the stream or otherwise be detrimental
15 to ~~public rights or~~ the public interest.

16 (d) The proposed change of course or straightening of the navigable stream will
17 not be detrimental to the rights of other ~~riparians~~ riparian owners located on the
18 stream. If the department finds that the rights of such ~~riparians~~ these riparian
19 owners will be adversely affected, it ^{plain} ~~may grant~~ ^{issue} the permit only with their the consent

20 ~~Such permit may be granted on the department's own motion after its own~~
21 ~~investigation or after public hearing and after giving prior notice of such~~
22 ~~investigation or hearing of all of these riparian owners.~~

23 **SECTION 181.** 30.195 (4) and (7) of the statutes are repealed.

NOTE: It is not clear whether current s. 30.195 is subject to the requirement of a notice and hearing. Current s. 30.02 provides that the notice and hearing provisions of

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that statute apply in any proceeding under ch. 30 where public notice is required. Under s. 30.195 (3), the DNR may issue a permit either on its own motion or after a public hearing. This does not appear to be a clear statement that a public hearing is required, and it is therefore uncertain whether the notice and hearing requirement of current s. 30.02 applies. This bill makes the permit under s. 30.195 subject to the notice and hearing requirements of new s. 30.245 for relocation of more than 500 feet of stream length, which corresponds with the division between type II and type III actions regarding stream locations for environmental review under ch. NR 150, Wis. Adm. Code.

This bill eliminates the current provision in s. 30.195 (4) that states that no common law liability and no liability under any other statute for damages resulting from the change in the course of the stream or straightening a stream is affected by s. 30.195. Nothing in current s. 30.195, or s. 30.195 as amended by this bill, suggests that an exemption from liability is created. Compliance with the provisions in a permit under s. 30.195 may have a bearing on the issue of negligence, but current s. 30.195 (4) is unnecessary. Also, the provision in the current statute that creates a presumption of exercising due care in complying with a permit is better addressed by the court as part of a negligence action.

The exception for land owned by Milwaukee County or a city, village or town in Milwaukee County is deleted. This provision was originally created as part of s. 30.195 when it was adopted in 1961, and was added as a floor amendment. This exception is not included in this bill so that s. 30.195 will apply uniformly to all navigable waters.

1 **SECTION 182.** 30.196 of the statutes is renumbered 30.313, and 30.313 (intro.),
2 as renumbered, is amended to read:

3 **30.313 Enclosure of navigable waters; issuance of permits to**
4 **municipalities.** (intro.) A municipality may enclose navigable waters by directing,
5 placing, or restricting navigable waters into an enclosed drain, conduit, storm sewer,
6 or similar structure if the department ^{issues} grants the municipality a permit. The
7 department may ^{issue} grant this permit to a municipality after following the notice and
8 hearing requirements under s. 30.02 (3) and (4) if it 30.245 if the department finds
9 that ^{issuing} granting the permit:

10 **SECTION 183.** 30.20 (1) (title) of the statutes is repealed and recreated to read:

11 30.20 (1) (title) CONTRACT OR PERMIT REQUIRED.

12 **SECTION 184.** 30.20 (1) (a) of the statutes is amended to read:

13 30.20 (1) (a) No Unless a contract has been entered into with the department
14 under sub. (2), no person may remove any material from the bed of any navigable lake

1 or from the bed of any outlying waters of this state without first obtaining a contract
2 as provided in sub. (2).

3 **SECTION 185.** 30.20 (1) (b) of the statutes is amended to read:

4 30.20 (1) (b) ~~Except as provided under pars. (c) and (d), no~~ Unless a permit has
5 ~~been issued by the department under sub. (3), no~~ person may remove any material
6 from the bed of any lake or stream not mentioned under described in par. (a) without
7 first obtaining a permit from the department under sub. (2) (c).

8 **SECTION 186.** 30.20 (1) (c) 1. of the statutes is repealed.

9 **SECTION 187.** 30.20 (1) (c) 2. of the statutes is renumbered 30.215 (2) (a) 2. and
10 amended to read:

11 30.215 (2) (a) 2. The proposed project involves the proposed removal of material
12 from the farm drainage ditch and the department may require a permit under sub.
13 (2) (c) for a removal under subd. 1. only if it finds that the proposed removal may have
14 a long-term adverse effect on cold-water fishery resources or may destroy fish
15 spawning beds or nursery areas.

16 **SECTION 188.** 30.20 (1) (c) 3. of the statutes is renumbered 30.215 (2) (b) and
17 amended to read:

18 30.215 (2) (b) ~~A person who proposes a removal under subd. 1. which of~~
19 ~~material from a farm drainage ditch under the exemption under this subsection that~~
20 ~~may have an effect on cold-water fishery resources or may affect fish spawning beds~~
21 ~~or nursery areas shall notify the department at least 10 days prior to the proposed~~
22 ~~removal. The department shall determine whether a permit is necessary under s.~~
23 ~~30.20 (1) (b) within the 10-day period.~~

INSERT

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~~***NOTE: Cannot proceed without a permit? Something is missing here.~~

1 **SECTION 189.** 30.20 (1) (d) of the statutes is renumbered 30.263 (3) and
2 amended to read:

3 30.263 (3) The drainage board for the Duck Creek Drainage District may,
4 without a permit under sub. (2) (e) s. 30.20 (3), remove material from a drain that the
5 board operates in the Duck Creek Drainage District if the removal is required, under
6 rules promulgated by the department of agriculture, trade and consumer protection,
7 in order to conform the drain to specifications imposed by the department of
8 agriculture, trade and consumer protection after consulting with the department of
9 natural resources.

10 **SECTION 190.** 30.20 (2) (title), (a) and (b) of the statutes are amended to read:

11 30.20 (2) (title) CONTRACTS FOR REMOVAL FROM NAVIGABLE LAKES AND OUTLYING
12 WATERS. (a) The department, ~~whenever consistent with public rights,~~ may enter into
13 ~~contracts~~ a contract on behalf of the state for the removal and lease or sale of any
14 material from the bed of any navigable lake or of any of the outlying waters, ~~and for~~
15 ~~the lease or sale of the material.~~ Every. Each contract entered into under this
16 paragraph shall contain ~~such~~ any conditions as ~~may be~~ that the department
17 determines are necessary for the protection of the public interest and the interests
18 interest of the state ~~and.~~ Each contract entered into under this paragraph shall fix
19 the compensation to be paid to the state for the material ~~so to be~~ removed, except that
20 ~~no the contract may not require that any~~ compensation ~~may~~ be paid for the material
21 if the contract is with a municipality, as defined in s. 281.01 (6), and if the material
22 ~~is to~~ will be used for a municipal purpose and will not for resale. ~~No be resold.~~ Each
23 contract entered into under this paragraph may not run for ~~a longer period~~ more
24 than 5 years.

(b) The department, ~~whenever consistent with public rights,~~ may enter into contracts a contract on behalf of the state for the removal of any mineral, ore and, or other material from beneath the bed of a navigable lakes and waters, where water that the state may own if the contract will be consistent with public rights and if the waters would navigable water will not be disturbed in the removal operation and for the lease and sale of such mineral, material and ore and provide the necessary regulations for all acts incident thereto. ~~Every such.~~ Each contract entered into under this paragraph shall contain such any conditions as ~~may be~~ that the department determines are necessary for the protection of the public interest and the interests interest of the state, and. Each contract entered into under this paragraph shall fix the compensation to be paid to the state for the material, mineral and ore so mineral, ore, or other material to be removed. ~~No~~ Each contract entered into, pursuant to under this paragraph, shall may not run for ~~a longer period~~ more than 75 years. ~~Should any doubt exist as to whether the state, in fact, owns such lake bed or stream bed such contract or lease shall be for such interests, if any, as the state may own.~~ Title to the royalties to be paid when After mining operations are have begun, the department shall be determined at such future time as determine the date before which the royalties for ores so sold are paid or any mineral, ore, or other material that is removed and sold are due and payable.

(a)

SECTION 191. 30.20 (2) (c) of the statutes is renumbered 30.20 (3) and amended to read:

(a)

30.20 (3) ~~PERMITS FOR REMOVAL FROM OTHER WATERS.~~ A permit The department may issue a permit to remove material from the bed of any lake or stream not included described in sub. (1) (a) ~~may be issued by~~ if the department ~~if it~~ finds that the issuance of such a the permit will be consistent with the public interest in the

1 water involved lake or stream. A permit or contract issued under this paragraph
 2 ~~subchapter~~ may be issued for up to 10 years if the applicant notifies the department
 3 ~~at least 30 days before removing any material.~~

the 30 day time frame in s. 30.20:
 (X) ****NOTE: Regarding ~~30.20(2)(b)~~ What if less than 30 days notice is given?

NOTE: Current s. 30.20 does not contain a requirement for public notice or a hearing under s. 30.02. This bill makes a permit or contract under s. 30.20 subject to the notice and hearing requirements of new s. 30.245 for dredging that involves the removal of more than 3,000 cubic yards, which corresponds with the threshold for a type II action for purposes of environmental review under ch. NR 150, Wis. Adm. Code.

11-15
 6-10
 INSERT

55-31 ✓

4 SECTION 192. 30.202 of the statutes is renumbered 30.333, and 30.333 (3), as
 5 renumbered, is amended to read:

6 30.333 (3) EXEMPTION FROM STATUTES AND RULES. Dredge spoil disposal activities
 7 authorized under sub. (2) are exempt from any prohibition, restriction, requirement,
 8 permit, license, approval, authorization, fee, notice, hearing, procedure, or penalty
 9 specified under this chapter ~~s. 29.601, 30.01 to 30.20, 30.21 to 30.99, 59.692, or 87.30,~~
 10 or chs. 281 to 285 or 289 to 299, except s. 281.48, or specified in any rule promulgated,
 11 order issued, or ordinance adopted under those sections or chapters.

****NOTE: In s. 30.202 (3), should underscored "chapter" be "subchapter?"

12 SECTION 193. 30.2025 of the statutes is renumbered 30.278, and 30.278 (5) (d),
 13 as renumbered is amended to read:

14 30.278 (5) (d) It may not cause environmental pollution, ~~as defined in s. 299.01~~
 15 (4).

16 SECTION 194. 30.2026 of the statutes is renumbered 30.279, and 30.279 (2) (d)
 17 and (3) (a), as renumbered, are amended to read:

18 30.279 (2) (d) The village of Belleville shall create any artificial barrier under
 19 this section in compliance with all state laws that relate to navigable bodies of water,
 20 except s. 30.12 (1) and (2).

(3) (a) The village of Belleville shall maintain any artificial barrier created as authorized under sub. (1). If a landowner of more than 500 feet of Lake Belle View shoreline, a portion of which is located within 1,000 feet of any such artificial barrier, is dissatisfied with the manner in which the village of Belleville is maintaining the barrier, the owner may maintain the barrier in lieu of the village, upon approval of the department. The village or a landowner who maintains the barrier shall comply with all state laws that relate to navigable bodies of water, except s. 30.12 (1) and (2). The department may require the village of Belleville or the landowner to maintain the barrier in a structurally and functionally adequate condition.

****NOTE: I removed the cross-references to s. 30.12 (2) in s. 30.279 (2) (d) and (3) (a), as renumbered, because they seemed redundant and confusing.

SECTION 195. 30.203 of the statutes is renumbered 30.355, and 30.355 (4) (d), as renumbered, is amended to read:

30.355 (4) (d) It may not cause environmental pollution, ~~as defined in s. 299.01~~ (4).

SECTION 196. 30.2035 of the statutes is repealed.

NOTE: The repealed statute requires the DNR to undertake a shoreline protection study. This study has been issued and the DNR is in the process of promulgating rules.

SECTION 197. 30.2037 of the statutes is renumbered 30.267.

SECTION 198. 30.204 of the statutes is renumbered 30.373, and 30.373 (5), as renumbered, is amended to read:

30.373 (5) EXEMPTION FROM CERTAIN STATUTES AND RULES. Activities of the department in conducting the lake acidification experiment are exempt from any prohibition, restriction, requirement, permit, license, approval, authorization, fee, notice, hearing, procedure, or penalty specified under this subchapter and subchs.

I, V and VI and s. 29.601 (3), 30.01 to 30.03, 30.06 to 30.16, 30.18 to 30.29, 30.50 to

30.335 (Title)

(61.351, 62.231)

WATER RESOURCES DEVELOPMENT PROJECTS;
FEDERAL AGREEMENTS.

30.99, 59.692, 87.30, 287.81, 299.15 to 299.23, 299.91, 299.95, or 299.97 or chs. 281, 283 or 289 to 292 or specified in any rule promulgated, order issued, or ordinance adopted under any of those sections or chapters.

***NOTE: Are any of the changes in the cross-references in s. 30.373 (5) substantive changes?

****NOTE: The cross-reference changes in s. 30.204 (5) vary from the cross-reference changes in s. 30.202 (3). Is that intentional?

SECTION 199. 30.205 of the statutes is renumbered 30.335 (1) and 30.335 (Title), as renumbered, is amended to read:

SECTION 200. 30.206 of the statutes is renumbered 30.221, and 30.221 (1) and (7), as renumbered, are amended to read:

30.221 (1) For activities which require a permit or approval under ss. 30.12 (3) (a) and 30.19 (1) (1g) (a), the department may issue a general permit authorizing a class of activities, according to rules promulgated by the department. Before issuing general permits, the department shall determine, after an environmental analysis and notice and hearing under ss. 227.17 and 227.18, that the cumulative adverse environmental impact of the class of activity is insignificant and that issuance of the general permit will not injure public rights or interest, cause environmental pollution, as defined in s. 299.01 (4), or result in material injury to the rights of any riparian owner.

(7) This section does not apply to an application for a general permit for the Wolf River and Fox River basin area or any area designated under s. 30.207 30.223 (1m) if the application for the general permit may be submitted under s. 30.207 30.223.

Mark - Do you want to change
****NOTE: Should the reference in s. 30.206 (3m) and (6) be to "subchapter" instead of to "chapter"?

Fix component 4

1 **SECTION 201.** 30.207 of the statutes is renumbered 30.223, and 30.223 (1), (3)
2 (a) and (c) 6., (4) (c) 1., (5), (6) (a) and (7) (a) and (b), as renumbered, are amended to
3 read:

4 **30.223 (1) GEOGRAPHICAL AREA.** For purposes of this section and s. ~~30.12 (3) (bt)~~
5 30.276, the Wolf River and Fox River basin area consists of all of Winnebago County;
6 the portion and shoreline of Lake Poygan in Waushara County; the area south of
7 STH 21 and east of STH 49 in Waushara County; that portion of Calumet County in
8 the Lake Winnebago watershed; all of Fond du Lac County north of STH 23; that
9 portion of Outagamie County south and east of USH 41; that portion of Waupaca
10 County that includes the town of Mukwa, city of New London, town of Caledonia,
11 town of Fremont; and the portion and shoreline of Partridge Lake and the Wolf River
12 in the town of Weyauwega.

13 **(3) (a)** Any local entity, ~~as defined listed~~ in s. 30.77 ~~(3) (dm)~~ (11) (a), any group
14 of 10 riparian owners who will be affected by the issuance of a general permit, or any
15 contractor who is or has been involved in the construction of structures or along
16 navigable waters may apply for a general permit under this section.

17 **(c) 6.** The names and addresses of at least 5 persons who own real property
18 located adjacent to the navigable waters located in the proposed permit area. If fewer
19 than 5 persons own real property adjacent to ~~such~~ these waters, the application shall
20 include the names and addresses of all of these persons.

21 **(4) (c) 1.** Any local entity, ~~as defined in~~ s. 30.77 ~~(3) (dm)~~, (11) (a) that has an
22 interest in the quality or use of or that has jurisdiction over the navigable waters
23 located in the proposed permit area.

24 **(5) HEARING REQUIREMENTS.** If an activity for which an application for ~~which~~ a
25 general permit has been submitted would be subject to the hearing and notice

1 provisions under s. ~~30.02 (3) and (4)~~ 30.245 for the issuance of an individual permit,
2 the department shall comply with those provisions. Notice and hearing shall be
3 required on an application for a general permit under this section only if a notice and
4 hearing are required under s. ~~30.02 (3) and (4)~~ 30.245 for the activity as part of an
5 application for an individual permit under this chapter.

6 (6) (a) The department shall issue a general permit under this section if the
7 department determines that the cumulative adverse environmental impact of the
8 activity in the proposed permit area is insignificant and that the issuance of the
9 general permit will not injure public rights or interest, cause environmental
10 pollution, ~~as defined in s. 299.01 (4)~~, or result in material injury to the rights of any
11 riparian owners.

12 (7) (a) At least 15 days before beginning the activity that is authorized by a
13 general permit under this section, the person who wishes to conduct the activity shall
14 submit a notice to the department and shall pay the fee specified in s. ~~30.28~~ 30.243

15 (2) (b) 2. The notice shall describe the activity, state the name of the person that will
16 be conducting the activity, and state the site where the activity will be conducted.
17 The notice shall also contain a statement signed by the person conducting the
18 activity that the person will act in conformance with the standards contained in the
19 general permit.

****NOTE: Should the reference in s. 30.207 (2), (5), (6) (b), and (8) be to "subchapter"
instead of to "chapter"?

****NOTE: Re: s. 30.207 (3) (a) and (4) (c) 1., check RNK's draft to verify that the
changes work.

20 (b) Upon receipt of a notice that complies with par. (a), the department may
21 inform the person that the activity may not be conducted under the general permit
22 if conditions at the site where the activity would be conducted would cause adverse

1 environmental impact, injure public rights and interests, or cause environmental
2 pollution, as defined in s. 299.01 (4). The department shall respond to the person
3 within 15 days after receiving the notice. Failure of the department to respond
4 within 15 days shall constitute the department's approval of the activity under the
5 general permit.

6 **SECTION 202.** 30.21 (title), (1), (2) and (3) (title) of the statutes are renumbered
7 30.293 (title), (1), (2) and (3) (title).

~~NOTE: Should the reference in s. 30.21 (2) (b) be to "subchapter" instead of to
"chapter"?~~

8 **SECTION 203.** 30.21 (3) (a) of the statutes is renumbered 30.293 (3).

9 **SECTION 204.** 30.21 (3) (b) of the statutes is repealed.

10 **SECTION 205.** 30.213 (title) of the statutes is created to read:

11 **30.213 (title) Municipal bridge construction.**

12 **SECTION 206.** 30.215 of the statutes is created to read:

13 **30.215 Farm drainage ditches. (1) DEFINITION.** In this section, "farm
14 drainage ditch" means any artificial channel that drains water from lands that are
15 used for agricultural purposes.

16 **(2) EXEMPTION.** (a) A project that is for an agricultural purpose and is located
17 in or adjacent to a farm drainage ditch is exempt from the requirement for a permit,
18 contract, or approval under this subchapter unless any of the following applies:

19 1. A U.S. geological survey map or other reliable scientific evidence shows that
20 the farm drainage ditch was a stream that was a navigable water prior to ditching.

NOTE: The current statute related to farm drainage ditches is as follows:

"30.10 (4) (c) Notwithstanding any other provision of law, farm drainage ditches are not navigable within the meaning of this section unless it is shown that the ditches were navigable streams before ditching. For purposes of this paragraph, "farm drainage ditch" means any artificial channel which drains water from lands which are used for agricultural purposes."

language

The proposed ~~redraft~~ in new s. 30.215 differs in 2 key respects from the current statute. The primary difference is that the exemption clearly applies to a project for an agricultural purpose, not to the farm drainage ditch itself. Thus, a project for other than agricultural purposes would require a permit, even though the drainage ditch was originally constructed as and continues to be used as a farm drainage ditch.

The other difference is that the statute specifies the kind of evidence that may be used to show stream history.

The proposed language, in sub. (3), preserves the current restriction on removal of materials from farm drainage ditches, as it may affect cold water fisheries, or fish spawning beds or nurseries.

1 **SECTION 207.** 30.24 of the statutes is renumbered 30.357.

2 **SECTION 208.** 30.243 (3) (c) of the statutes is created to read:

3 30.243 (3) (c) This section does not apply to a permit issued under s. 30.221.

4 **SECTION 209.** 30.245 of the statutes is created to read:

5 **30.245 Notice and hearing; mediation.** (1) NOTICE AND HEARING;

6 REQUIREMENT; OPTION. (a) The department shall apply the procedures in this section
7 with respect to a permit or contract under this subchapter where the applicable
8 statute requires notice and a hearing under this section.

9 (b) If the applicable statute for a permit or contract under this subchapter does
10 not require notice and a hearing under this section, the department may apply the
11 procedures in this section with respect to a permit or contract under this subchapter
12 if the department determines that the substantial interests of any party may be
13 adversely affected by the proceeding. This paragraph does not apply to any statute
14 in which this section is specifically made inapplicable.

15 (2) DEPARTMENT MAY DENY APPLICATION. The department may deny the
16 application for a permit or contract under this subchapter after receipt of a complete
17 permit or contract application. If the department denies an application, it shall
18 notify the applicant. If the applicant request a contested case hearing within 30 days
19 after receiving notice of the denial, the department shall submit notification of the

1 pending hearing to the division of hearings and appeals under s. 227.43 (2) (a). The
2 procedures in sub. (6) apply to the hearing.

3 (3) NOTICE. (a) Except where the department denies an application under sub.
4 (2), and except where specific notice or hearing provisions are provided in this
5 subchapter, after receipt of a complete permit or contract application, the
6 department shall provide notice that it has received the application. The notice shall
7 describe the project and the procedures under this section. The department shall
8 provide the notice to all of the following:

9 1. The applicant.

10 2. Each local governmental unit under s. 30.04 (2).

11 3. Any other person required by law to receive notice.

12 (b) The department shall post the notice on the Internet at a site determined
13 or approved by the department.

14 (c) The applicant shall publish the notice as a class 1 notice, under ch. 985, in
15 a newspaper designated by the department that is likely to give notice in the affected
16 area. The applicant shall file proof of publication with the department. The
17 department may authorize any other person to provide the notice.

18 (4) REQUEST FOR HEARING; ACTION ON REQUEST. (a) Any person may request a
19 contested case hearing. The request for a hearing shall be in writing. If the person
20 requesting a hearing is not the applicant, the request shall describe the requester's
21 objection to the project. The objection shall contain all of the following:

22 1. A description of the legal issues with sufficient specificity so that the
23 department may determine the standards in this subchapter that the objector
24 believes may be violated if the project proceeds.

1 2. A description of the factual basis for the objection, with sufficient specificity
2 so that the department may determine how the objector believes the project, as
3 proposed, may violate the standards identified under subd. 1.

4 3. A commitment by the objector to appear and present information supporting
5 the objection in a contested case hearing.

6 (b) The department shall proceed on the application without a hearing if any
7 of the following applies:

8 1. The department does not receive a request for a contested case hearing
9 within 30 days after the notice is published under sub. (3) (c).

10 2. The request for a hearing is not in the form required in par. (a).

11 3. The objection stated by the person requesting the hearing is not a
12 substantive, written objection under par. (c).

13 (c) The department shall determine if the objection to the project as described
14 under par. (a) is a substantive, written objection. The department may request
15 additional information from a person requesting a hearing in order to make the
16 determination under this paragraph, and the person requesting a hearing shall
17 respond to the department's request within 2 weeks. A written objection is
18 substantive if it is sufficient for the department to make the following
19 determinations:

20 1. The facts described by the objector appear to be substantially true.

21 2. The facts described by the objector raise reasonable doubts as to whether the
22 project, as proposed, complies with the applicable standards in this subchapter.

23 (d) Except as provided in sub. (5), the department shall notify the division of
24 hearings and appeals under s. 227.43 (2) (a) if the request for a hearing complies with
25 this subsection.

1 **(5) MEDIATION.** (a) Prior to a contested case hearing, the department shall allow
2 for mediation between the applicant, any person who requests a contested case
3 hearing on the permit or contract, any person with a substantial interest in the
4 permit or contract, and the department, if those persons agree to mediation. The
5 participants shall determine how the mediator is to be selected and compensated.

6 (b) If the participants determine that they cannot reach an agreement in
7 mediation, any participant in the mediation may request a contested case hearing
8 within 30 days after the conclusion of mediation. The request shall be in writing and
9 shall include the information required in sub. (4) (a).

10 (c) The department shall notify the division of hearings and appeals under s.
11 227.43 (2) (a) if the department receives the request within 30 days specified in par.
12 (b) and if the request for a hearing complies with sub. (4) (a) and (c).

13 (d) The department shall proceed on the application if it does not receive a
14 request for a hearing under par. (b).

15 **(6) HEARING.** (a) Upon receiving notification from the department under s.
16 227.43 (2) (a), the division of hearings and appeals shall assign a hearing examiner
17 and shall ensure that the hearing is conducted within 60 days after the notification
18 is received.

19 (b) The division of hearings and appeals shall mail a written notice at least 10
20 days before the hearing to each person given notice under sub. (3) and to any person
21 who submitted a request for a hearing.

22 (c) The applicant shall publish a class 1 notice, under ch. 985, of the hearing
23 in a newspaper designated by the department that is likely to give notice in the
24 affected area. The notice shall be published at least 10 days before the hearing. The

1 applicant shall file proof of publication under this paragraph with the hearing
2 examiner at or prior to the hearing.

NOTE: The notice and hearing provisions in current s. 30.02 are repealed and recreated here. The basic structure of this statute remains the same: the notice and hearing procedures apply to any permit or contract in which a notice and hearing is required by direct cross-reference to this section. In any other statute that provides a permit or contract for activities in navigable waters, the DNR may apply the notice and hearing procedures if the substantial interests of any party may be adversely affected by the proceeding. The statute provides a time frame within a contested case hearing may be requested and requires various notices to be mailed or published.

Proposed s. 30.245 has several major additions compared to the current statute. The first difference is that the current statute does not expressly provide that the DNR may deny the application for a permit or contract. The current statute requires the DNR either to schedule a hearing or issue notice that it will proceed without a hearing unless a request for hearing is made. As a result, an individual who opposes a permit must request a hearing, even if the DNR expects to deny the application. The new procedure allows the DNR to deny the application for a permit or contract, and the applicant may request a contested case hearing on this decision.

The 2nd difference is that the DNR is directed to post notice of the complete permit or contract application and the opportunity to request a hearing on the Internet. In addition, a provision in the current statute requiring the DNR to provide notice to any person who requests notice of projects of that type, location or other classification is eliminated. Also, notice is required to affected town sanitary districts, public inland lake protection and rehabilitation districts and county drainage boards.

The 3rd difference is that a mediation option is provided. There is no comparable provision in the current statute. The applicant and DNR must agree to be a party to the mediation. The mediation process is primarily expected to address issues of concern to owners of property near the proposed project. If an agreement is not reached in mediation, the parties to the mediation may request a contested case hearing.

issuing
The 4th difference is that the requirement of a substantive written objection, which is a condition for obtaining a contested case hearing under the current statute, is clarified and made more detailed. The current statute requires the objector to state why the project may violate statutory provisions applicable to the project. The purpose of this requirement is to avoid contested case hearings when there is not merit to the challenge--i.e., the facts alleged by the objector are not true or do not relate to the legal standards for ~~granting~~ or denying the permit. The special committee believes that the current statute, as administered by DNR, has not been sufficient to avoid challenges to permits in contested case hearings that are ultimately determined to be without merit. This bill adds to the information that must be submitted by the objector, allows the department to request additional information from the objector, and requires the department to do a thorough evaluation of the grounds for the objection, both legal and factual.

This provision omits the option for the department to schedule a public hearing upon receipt of an application, rather than providing notice of the application. This option is no longer necessary if the department is given authority to deny an application, as provided in this section.

****NOTE: MGG has not yet reviewed s. 30.245. Review should include "hearing" language in s. 30.77.

3 SECTION 210. 30.25 of the statutes is renumbered 30.269.

1 SECTION 211. 30.253 of the statutes is created to read:

2 **30.253 Permit or contract conditions.** The department may impose
 3 *additional* conditions on a permit or contract under this subchapter to ensure compliance with
 4 *any applicable provision under* standards expressly provided *in* this subchapter.

***NOTE: What does s. 30.253 say? "Expressly provided"?

5 SECTION 212. 30.26 of the statutes is renumbered 30.271.

6 SECTION 213. 30.263 (title) and (1) (title) of the statutes are created to read:

7 **30.263 (title) Duck Creek Drainage District. (1) (title) DECLARATION OF**
 8 NAVIGABILITY.

9 SECTION 214. 30.265 of the statutes is renumbered 30.375.

10 SECTION 215. 30.266 (1) (intro.) of the statutes is created to read:

11 30.266 (1) DEFINITIONS. (intro.) In this section:

12 SECTION 216. 30.27 of the statutes is renumbered 30.273.

13 SECTION 217. 30.275 of the statutes is renumbered 30.359.

14 SECTION 218. 30.277 of the statutes is renumbered 30.361.

15 SECTION 219. 30.28 of the statutes is renumbered 30.243, and 30.243 (1), (2)
 16 (a) (intro.) and (b) ^v and (2m) (am), (b) and (d) ^{and (2r)(b)}, as renumbered, are amended to read:

17 **30.243 (1) FEES REQUIRED.** The department shall charge a permit or approval
 18 fee for carrying out its duties and responsibilities under ~~ss. 30.10 to 30.205, 30.207~~
 19 ~~and 30.21 to 30.27~~ this subchapter. The permit or approval fee shall accompany the
 20 permit application, notice, or request for approval.

21 **(2) (a) (intro.)** For fees charged for permits and approvals under ~~ss. 30.10 to~~
 22 ~~30.205 and 30.21 to 30.27~~ this subchapter, except s. 30.223, the department shall
 23 classify the types of permits and approvals based on the estimated time spent by the

1 department in reviewing, investigating, and making determinations whether to
2 ^{issue} grant the permits or approvals. The department shall then set the fees as follows:

3 (b) 1. For an application for a general permit submitted under s. ~~30.207~~ 30.223
4 (3), the fee shall be \$2,000.

5 2. For a notice submitted under s. ~~30.207~~ 30.223 (7), the fee shall be \$100.

6 (2m) (am) The department shall refund 50% of the fee specified in sub. (2) (b)
7 1. if the department denies an application for a general permit under s. ~~30.207~~ 30.223
8 (3) (d) 1. or does not issue a general permit under s. ~~30.207~~ 30.223 (6).

9 (b) If the applicant applies for a permit, requests an approval, or submits a
10 notice under s. ~~30.207~~ 30.223 (7) after the project is begun or after it is completed,
11 the department shall charge an amount equal to twice the amount of the fee that it
12 would have charged under this section.

13 (d) The department, by rule, may increase any fee specified in sub. (2) (a). The
14 department, by rule, may increase a fee specified in sub. (2) (b) only if the increase
15 is necessary to meet the costs incurred by the department in acting on general
16 permits or on notices submitted under s. ~~30.207~~ 30.223. ✓
INSERT
67-16

17 SECTION 220. 30.29 of the statutes is renumbered ~~30.86~~ 30.237 ✓

18 ~~***NOTE: Check as to whether this fits in the boating subchapter.~~

SECTION 221. 30.292 of the statutes is repealed.

NOTE: The repealed provision relates to parties to a violation. An identical
provision that applies to ch. 30 in its entirety already exists in s. 30.99.

19 SECTION 222. 30.294 of the statutes is renumbered 30.975.

***NOTE: In a later version, change the cross-reference in s. 30.772 (3) (e).

20 ~~***NOTE: Should the reference in s. 30.294 be to "subchapter" instead of to
"chapter"?~~

SECTION 223. 30.298 (title) of the statutes is renumbered 30.381 (title).

***NOTE: Take out the creation of s. 30.381 (title), which is in the 2nd half of the
draft.

Penalties for...